IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 15743 of 2004

Between:

B.Balramudu, S/o Savaraiah, Conductor,
APSRTC, Gadwal Bus Depot, Mahabubnagar District

..... PETITIONER

AND

The Depot Manager, APSRTC, Gadwal Bus Depot,

Mahabubnagar District

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or order or direction more particularly one in the nature of Writ of Mandamus declaring that the action of the respondent in imposing the punishment of deferement of annual increment next fall for a period of 2 years which shall have effect on postponing future increments is bad, arbitrary, illegal, unjust and unreasonable and violative of principles of natural justice and contrary to the judgments of this Hon'ble Court and also the apex court by setting aside the final order No.02/95 (167)/95-GDL dated 15-7-1995 of the respondent herein and consequently direct the respondent to add the differed increment and pay the arrears.

Counsel for the Petitioner: MR.P.VENKATESWAR RAO

Counsel for the Respondent: MR.Y.V.SWAMY, SC for APSRTC

The Court at the stage of admission made the following:

HONOURABLE DR. JUSTICE G.YETHIRAJULU

WRIT PETITION NO.15743 OF 2004

ORDER:

The petitioner is working as a Conductor in the respondent-Corporation. He was imposed a punishment of stoppage of two increments with cumulative effect through the proceedings dated 15-7-1995. The petitioner on the ground that he is an illiterate and is ignorant about the Rules, kept quite all these years and now approached this Court through this Writ Petition contending that the punishment was imposed on him without conducting any enquiry and as the punishment of stoppage of two increments with cumulative effect is a major penalty, the order is illegal and it is liable to be quashed.

2. After going through the order, it is noticed that it was passed only on the basis of the material available on record and without conducting any enquiry. Since the order was not passed according to the procedure under the Rules, it is liable to be set aside. Since there is delay of nine years caused by the petitioner in approaching this Court, the stoppage of two increments with cumulative effected will be effective till 01-09-2004, and he shall be released those two increments with effect from 01-09-2004.

3. The Writ Petition is accordingly disposed of. No order as to costs.

Dr. G.YETHIRAJULU, J

02nd September, 2004

SKM

To

1. The Depot Manager, APSRTC, Gadwal Bus Depot,

Mahabubnagar District

2. Two CD copies.